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07 UNITED STATES DISTRICT COURT
08 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

09 UNITED STATES OF AMERICA,) CASE NO.:89-67R
10 Plaintiff,)
11 vs.) SUMMARY REPORT OF U.S.
12 KENNETH D. COHN,) MAGISTRATE JUDGE AS TO
13 Defendant.) ALLEGED PROBATION VIOLATIONS
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15 An initial hearing on probation revocation in this case was scheduled before me on July
16 31, 2003. The United States was represented by AUSA Reagan A. Dunn and the defendant by
17 Carol A. Koller. The proceedings were recorded on cassette tape.

18 Defendant had been sentenced on or about March 21, 1991 by the Honorable Barbara J.
19 Rothstein on a charge of Conversion of Collateral Pledges to SBA and sentenced to five years
20 supervised release.

21 The conditions of supervised release included requirements that defendant comply with the
22 standard conditions of supervision, including no law violations. Other special conditions included
23 payment of a fine in the amount of \$2,000, payment of restitution in the amount of \$9,000 to the
24 SBA and the Bank of Sumner, compliance with the rules and regulations of the Probation
25 Department, four months in a CTC with work release privileges, 100 hours of community service,
26 and the provision of access to all financial information requested by the probation officer.

01 On October 5, 1993 a violation report was submitted by the probation officer alleging that
02 defendant had violated the conditions of probation by committing two counts of Child Molestation
03 First Degree. The defendant pled guilty to these offenses in the Superior Court for the State of
04 Washington for Pierce County, and on December 17, 1993 admitted to the probation violations
05 in this case. The Court modified Mr. Cohn's conditions of probation to include completion of
06 sexual deviancy treatment, no contact with the victims or any other minor child without prior
07 written authorization from both the treatment provider and the probation officer, submit to
08 polygraph and plethysmograph, and provide release to treatment records and Washington State
09 Department of Corrections supervision progress reports.

10 In an application dated March 7, 1996, U.S. Probation Officer Kenneth W. Fulfer alleged
11 the following violation of the conditions of probation:

- 12 1. Leaving the judicial district without permission;
- 13 2. Failing to submit monthly reports for November and December 1995; and January
14 and February 1996;
- 15 3. Failing to notify the Probation Officer within 72 hours of being arrested or
16 questioned by a law enforcement officer;
- 17 4. Failing to pay the fine;
- 18 5. Failing to pay restitution;
- 19 6. Having unauthorized or unsupervised contact with the victims;

20 Defendant was advised in full as to those charges and as to his constitutional rights.

21 Defendant admitted violations 1, 3, 4, 5 and violation 6 as to one of the victims of the
22 Pierce County Superior Court offense and waived any evidentiary hearing as to whether the
23 violations occurred. Upon these admissions, the United States dismissed violation 2, and
24 violation 6 insofar as it applied to the other victim of the Pierce County offense.

01 I therefore recommend the Court find defendant violated his probation as alleged and that
02 the Court conduct a hearing limited to the issue of disposition. The next hearing will be set before
03 Judge Rothstein.

04 Pending a final determination by the Court, defendant has been detained.

05 DATED this 31st day of July, 2003.

06 s/ MARY ALICE THEILER

07 Mary Alice Theiler

08 United States Magistrate Judge
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